

18799. Adulteration and misbranding of tomato paste. U. S. v. 178 Cases of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26246. I. S. No. 28427. S. No. 4561.)

Samples of canned tomato paste from the shipment herein described having been found to contain undeclared added color, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On April 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 178 cases, each containing 100 tins of tomato paste, remaining in the original unbroken packages at Somerville, Mass., alleging that the article had been shipped by the California Conserving Co. (Inc.), San Francisco, Calif., from Oakland, Calif., on or about November 4, 1930, and had been transported from the State of California into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Carmen Brand Italian Style Tomato Paste Concentrated * * * Packed For C. Carbone Somerville, Mass. * * * Salsa Di Pomodoro."

It was alleged in the libel that the article was adulterated in that artificially colored tomato paste had been substituted for the said article.

Misbranding was alleged for the reason that the statements, "Tomato Paste" and "Salsa Di Pomodoro," and the design of red ripe tomatoes on the label, were false and misleading and deceived and misled the purchaser when applied to an article artificially colored. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On July 31, 1931, William E. Clapp, Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,450, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act or other existing laws. It was further ordered by the court that the product be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18800. Adulteration of canned turnip greens. U. S. v. 55 Cases of Wellworth Brand Canned Turnip Greens. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26211. I. S. No. 10137. S. No. 4535.)

Samples of canned turnip greens from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Tennessee.

On April 8, 1931, the United States attorney filed in the District Court of the district aforesaid a libel praying seizure and condemnation of 55 cases of canned turnip greens, remaining in the original unbroken cases at Knoxville, Tenn., alleging that the article had been shipped by Y. S. B. Gray & Son, Griffin, Ga., on or about November 15, 1930, and had been transported from the State of Georgia into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Wellworth Brand Turnip Greens * * * Grown and Packed by Y. S. B. Gray & Son, Griffin, Ga."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On July 9, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18801. Adulteration and misbranding of canned tomato paste. U. S. v. 377 Cases, et al., of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26485. I. S. No. 30538. S. No. 4774.)

Samples of canned tomato paste from the shipment herein described having been found to contain undeclared added color, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.